

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:98CR69
)	
v.)	
)	
TOMMIE THOMPSON,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

Tommie Thompson (Thompson) has filed a Motion to Reduce Sentence Under 2011 Crack Cocaine Guideline Amendment (filing no. [180](#)). That motion will be denied.

With a criminal history score of V, a base offense level of 34 (452.75 grams of crack), and a total offense level of 36, Thompson was sentenced in 1999 to 292 months in prison. (Filing no. [104](#) (PSR); filing no. 105 (Judgment).) In 2009, his sentence was reduced to 235 months in prison pursuant to retroactive changes in the Guidelines regarding crack cocaine which set an amended base offense of 32. (Filing no. [162](#) (Order); filing no. [160](#) (Retroactive Worksheet).) Thompson now claims that he is entitled to a further reduction under the recently promulgated amendment to the crack cocaine Guidelines.

On August 12, 2011, the supervising probation officer who handles these matters advised David Stickman, the Federal Public Defender and defense counsel, Susan Lehr, the prosecutor, and me that Thompson's base offense level remains at a level 32 under the amendment upon which Thompson seeks relief.¹ I agree with the

¹Thompson was held accountable for 452.75 grams. The base offense level determined under the new Guidelines sets a base offense level of 32 for at least 280 grams but less than 840 grams of crack cocaine.

probation officer. In other words, even if the new amendment to the crack Guidelines was now applied to Thompson, nothing would change. Accordingly,

IT IS ORDERED that the Motion to Reduce Sentence Under 2011 Crack Cocaine Guideline Amendment (filing no. [180](#)) is denied.

DATED this 25th day of August, 2011.

BY THE COURT:

Richard G. Kopf

United States District Judge

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